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NH&S File No.: 00000840LCG

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	CHAPTER 11
	)	
CALPINE CORPORATION, et al,	)	Case No. 05-60200 (BRL)
	)	Jointly Administered
	)	
Debtor.	)	
	)	

**SAI TRUST'S LOCAL RULE 56.1 STATEMENT IN OPPOSITION TO  
REORGANIZED DEBTORS' ADDITIONAL UNDISPUTED MATERIAL FACTS**

Pursuant to Rule 56.1(b) of the Local Rules of Civil Procedure for the Southern District of New York, SAI Trust, by its attorneys, responds to Reorganized Debtors' Additional Undisputed Facts as follows:

1-16. Admitted.

17. Admitted that SAI Trust's proofs of claim states that "SAI Trust has attached hereto a chart outlining preliminary information relative to SAI's claims and reflecting portions of the business dealings between Debtors and SAI. Please note these figure are preliminary, do not include other potential damages/losses based on Debtors' use of budgeted figures (i.e., fictitious, theoretical

figures) and not actual figures, charging 15% overhead on budgeted figures and not actual figures and including allocated budgeted costs from other plants, and including costs not allowed to be included based on the parties contractual agreements and are limited to pre-petition matters." The breach of contract by Debtors began in April 2001 and has continued each and every month since and will continue until this Court puts an end to Debtors accounting chicanery once and for all. Accordingly, so long as Debtors continue to charge expenses to monthly NPI statements that were not contemplated at the time of its contract with SAI, it is impossible for SAI to set forth its unliquidated claims with any precision.

18. SAI incorporates by reference its previous response.

47. SAI incorporates by reference its response to ¶17.

48. SAI incorporates by reference its response to ¶17.

Dated: New York, New York  
September 16, 2008

Yours, etc.,

**NICOLETTI HORNIG & SWEENEY**  
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